

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,962,599 (Serial No. 10/037,974)

Issue Date: November 8, 2005 (Filing Date: November 9, 2001)

Applicant: John C.K. Hui

Confirmation No.: 1546

Examiner: Kevin Thao Truong

Title: High Efficiency External Counterpulsation Apparatus and Method for Controlling Same

Attorney Docket: 4857-000001/CPF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)

Sir:

Pursuant to 37 C.F.R. § 1.28(a), Applicant hereby requests a refund to Deposit Account 08-0750.

On May 6, 2009, Applicant electronically filed a Statement Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.27(c) (a copy is attached hereto). On May 7, 2009, Applicant filed the 3.5 year Maintenance Fee by mail at the small entity rate of \$490 (a copy of the postcard is attached hereto). Pursuant to the attached Notice of Special Acceptance of Patent Maintenance Fee dated May 15, 2009, Deposit Account No. 08-0750 was charged the difference between the small entity and large entity fees (an additional \$490). Since Applicant believes the written assertion of small entity status was properly filed prior to the payment of the maintenance fee,

Applicant requests that the \$490 previously charged to Deposit Account No. 08-0750 be refunded.

Favorable consideration of this request is respectfully submitted.

Respectfully submitted,

By: 
David L. Suter, Reg. No. 30,692

Dated: June 2, 2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

DLS/kq

Electronic Acknowledgement Receipt

EFS ID:	5288836
Application Number:	10037974
International Application Number:	
Confirmation Number:	1546
Title of Invention:	HIGH EFFICIENCY EXTERNAL COUNTERPULSATION APPARATUS AND METHOD FOR CONTROLLING SAME
First Named Inventor/Applicant Name:	John C.K. Hui
Customer Number:	27572
Filer:	David Lynn Suter/Kelly Quinlan
Filer Authorized By:	David Lynn Suter
Attorney Docket Number:	4857-000001/CPF
Receipt Date:	06-MAY-2009
Filing Date:	09-NOV-2001
Time Stamp:	16:58:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)
1	Post Allowance Communication - Incoming	Statement_Claiming_Small_Entity_Status.PDF	38113 cc458a2c984f1057f72231660c8f3b6e6485 ac4f	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Alexandria, Virginia 22313-1450

**STATEMENT CLAIMING SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. 1.27(C)**

Applicant hereby states that the Assignee of the subject application (Vasomedical, Inc., 180 Linden Avenue, Westbury, New York 11590) is entitled to small entity status pursuant to 35 U.S.C. 41(h) and 37 C.F.R. 1.27(a)(2). In particular, Assignee qualifies as a small business concern, as defined in 13 C.F.R. 121.801 through 121.805, and has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person, concern, or organization which would not qualify for small entity status as a person, small business concern, or nonprofit organization.

Respectfully submitted,



By: David L. Suter, Reg. No. 30,692

Dated: May 6, 2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

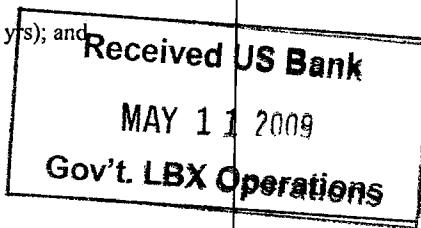
DLS/kq

Applicant: John C.K. Hui	Case No.: 4857-000001/CPF
Patent No.: 6,962,599	Issue Date: 11/08/2005
Serial No.: 10/037,974	Filing Date: 11/09/2001

Title: HIGH EFFICIENCY EXTERNAL COUNTERPULSATION APPARATUS
AND METHOD FOR CONTROLLING SAME

Please acknowledge receipt of:

Maintenance Fee Transmittal Form (3.5 yrs); and
this return postcard.



By stamping and returning to Harness, Dickey & Pierce, P.L.C. *USPTO Date Stamp*

Due: 5/8/2009 Date Mailed: 5/7/2009 Attorney: MBP/DLS



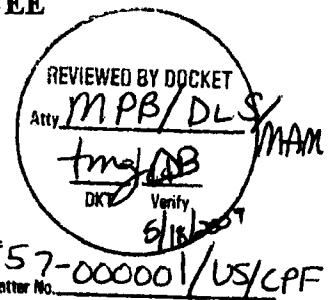
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Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
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DAVID L.SUTER
 HARNESS DICKEY & PIERCE P.L.C.
 P.O BOX 828
 BLOOMFIELDHS, MI 48013

May 15, 2009

NOTICE OF SPECIAL ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PAYMENT APPLIED TO PATENT NUMBER: 6962599Payment Amount Received: \$ 490.00Payment Year: 3.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE (Mailroom Date Stamp): 05/07/2009

Your maintenance fee payment was applied by the United States Patent and Trademark Office (USPTO) to the above cited patent number despite the informality identified below. Please verify that the maintenance fee payment was applied to the intended patent. If your payment was not applied to the intended patent, a petition (such as a petition under 37 CFR 1.377), including the required petition fee, must be timely submitted. See 37 CFR 1.181(f).

1. Contrary to 37 CFR 1.366(c), only the above cited patent number was identified for payment. The application number corresponding to the above cited patent number is: _____.

2. Your payment identified patent number _____ and application number _____ which do not correspond to the same patent.

If this box is marked, other payment information corroborates the patent identified by the application number.

3. Contrary to 37 CFR 1.366(c), only the application number corresponding to the above cited patent number was identified for payment.

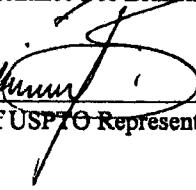
4. Your payment was submitted in the small entity amount, but USPTO records indicate that the patentee is a large entity. Since a deposit account authorization to charge any deficiency was provided, payment was applied in the large entity amount. (If payment should be applied in the small entity amount, a refund request under 37 CFR 1.28(a) including a written assertion of entitlement to small entity status under 37 CFR 1.27(c) must be filed within three months of the payment receipt date.)

5. Your payment included an excess amount of \$ _____ which is being refunded by:

a credit to your deposit account # electronic funds transfer (EFT) U.S. Treasury check

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Michael Bangura (571) 272-6365
 Printed Name of USPTO Representative


 Signature of USPTO Representative

MAINTENANCE FEE TRANSMITTAL FORM

Address to:
United States Patent and Trademark Office
P.O. Box 979070
St. Louis, MO 63197-9000

-OR-

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"United States Patent and Trademark Office, P.O. Box 979070, St. Louis, MO 63197-9000"
on May 7, 2009.

Signature 
Typed or printed name David L. Suter

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. Payment by credit card. Form PTO-2038 is attached.
3. The Director is hereby authorized to charge \$ 490 to cover the payment of the fee(s) indicated below to Deposit Account No. 08-0750.
4. The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 08-0750.

* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, 5, & 6)

Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20 (h)-(l))	U.S. Application Number* [08/555,555]	Payment Year			Small Entity?** 6
					3.5 yrs	7.5 yrs	11.5 yrs	
1	6,962,599	\$490	0	10/037,974	90/15			962599
2					21 FL			
3								
4								
5								
6								
Subtotals Columns 2 & 3								
Total Payment		\$490			<input type="checkbox"/> additional sheets attached for listing additional patents.			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Respectfully submitted***:

Customer's Signature: 

Customer's name: Harness, Dickey & Pierce, P.L.C.

Telephone: 248-641-1600

Attorney Docket No. 4857-000001/CPF

Registration Number, if applicable: 30,692

Fax : 248-641-0270

Note: *All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. 37 CFR 1.363.

**Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, note the requirements of 37 CFR 1.27 and 1.33(b).

***WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH CUSTOMER'S NAME AND SIGNATURE ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 0.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 979070, St. Louis, MO 63197-9000.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.